

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

November 1, 2012

**5:45 P.M.**

**MINUTES**

**Present:** Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

**Absent:** None

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** That the Minutes of the regular meeting of the Common Council held on October 25, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Tiffer; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending October 31, 2012 in the amount of **\$ 250,116.05** are authorized and allowed and Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Calnon

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report of Fire and Ambulance Responses for the week of October 25 – October 31, 2012
- Report from the Building Inspector's Office from October 18 – October 26, 2012
- Statements of cash receipts from the Library from October 10 – October 17, 2012

**RESOLVED:** That the reports as listed are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Rabideau; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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**4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None**

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills Audited by the Common Council in the amount of \$ 306,569.42 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Calnon

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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**6. PERSONS ADDRESSING COUNCIL:**

**John Barry** Retired from the Plattsburgh Police Department Westwood Drive said I'm here in reference to a recent incident, and I'll try and keep this under 3 minutes actually, that happened. And I'm kind of concerned because it involved my name. I am just going to read a quick statement. In the spring of this year I was informed through a City Police office of an anonymous letter received by the City which accuses the Chief of misconduct. Soon after I was informed that the Chief was informing certain members of the agency and public that I wrote the anonymous letter. This was annoying to me since I did not write this letter. I assumed the letter would be investigated by the City and the original writer of the letter would be located and interviewed. After a while of not hearing anything about the letter so again I assumed the City investigated it and resolved the issue of the letter. I was apparently wrong though since last Saturday I was approached by Detective Matt Bell in a public place. This detective chose to question me about the letter and accuse me of writing this letter. Not only did he choose to do it in a public place but he did it in front of family members and friends. I was angry and annoyed and had to further explain the letter incident to family and friends that I did not write it. I also feel that the City is responsible for the incident since this was a city employee for the Police Department. He was interviewing me and making accusations to me about city business. At this time I'm asking the City of Plattsburgh to hire an independent investigator to look in to this anonymous letter received by the city so that maybe the original letter writer can be located and interviewed. I will fully cooperate with an independent investigator to give a sworn statement to what I know about this letter and any other matters. I will also provide a writing sample for comparison against the original letter and submit to a polygraph exam to show that I'm not responsible for this letter or if the original letter writer cannot be located. So in closing, I just want to make it clear that if I'm approached again by a City Police officer and questioned about this matter or if I hear that a city police officer is talking to a member of the public about this matter and using my name. I will pursue it as a legal matter.

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**7. OTHER ITEMS:**

**A. RESOLVED:** That the terms and conditions of employment of those employees of the City of Plattsburgh represented by AFSCME Council 66, Local 788, for the period commencing July 1, 2009 through June 30, 2010 shall be the same as set forth in the collective bargaining agreement between the parties for July 1 2004 through June 30, 2009, without any increase or decrease in any term or condition of employment.

By Councilor Tiffer; Seconded by Councilor Calnon

Discussion:

**Councilor Carpenter** said Chris if we were to table this would you accept the fact finder's report in full or not? I mean if you're not gonna it senseless to even to try. If you're gonna I'd like know you've had plenty of chances to look at it.

**Chris Bleaux President of AFSCME** said the one sticking point was change in to retirement.

**Councilor Carpenter** said it has to be in its entirety though so you're saying no.

**Chris Bleaux President of AFSCME** said that's what 47 people voted.

**Mayor Kasprzak** said the vote was official and the results were the results and I think you've got your answer.

**Councilor Carpenter** said that's what I wanted to know.

**Councilor Jackson** said this issue really bothers me. The fact that we've gotten to this place is just so disconcerting. I actually when this first came up I contacted our Corporation Counsel I asked him in the 20 plus years you've been on the Corporation Counsel has this ever been done before and he said not to my recollection. I don't like doing this and this is definitely going to affect current negotiations with other contracts. I'm going to tell you that right now if this passes.

**Councilor Calnon** said this is a very rare event you're correct. I thought it was more comment than not. And it's meant to be a really steep cliff that people should be afraid of. This is a very serious action. And none of us sitting around this table will undertake it lightly. But it's serious for a reason and the reason is that we've gotten to a point in our negotiations where we could not come to an agreement. We could not both accept the fact finder's report. We could not both accept a subsequent agreement negotiated between the Mayor and the President. And even, in response to your question, the point about health care in retirement is a huge sticking point. And that's why I think we need to use the force of law and make the negotiations that they become more imperative to come up with an agreement. There has to be this cliff that people are afraid of and in most communities the fear of this cliff has resulted in the last minute deal the last minute conversation. What the Mayor and Mr. Bleaux did in their conversation was they said let's take all the non-essential stuff off the table. Let's pare it down to a couple of simple issues and then let's move there and will get back in to negotiations and worry about all the others. That's normally what happens. But I think that at this point we need to take a very distasteful step. I agree I don't want to do this. I feel however compelled to represent the city the best that I can and I have no choice but to do this and I'm not happy about it. But, I think it has to happen or the process just has no integrity.

**Councilor Jackson** said after the fact finder's report was rejected by the union and you and the union president met and you said 1½, 1½ and 3 zeros was there no change in health insurance was it just

basically when you guys had that conversation?

**Mayor Kasprzak** said no we agreed to the 15% co pay for the people who were not paying. I think there are 24. And Mr. Bleaux came back with some different numbers which I felt we could not accept because there were no zeros.

**Councilor Jackson** said and that's what I'm getting at.

**Mayor Kasprzak** said we're getting half-truths here or half information or misinformation and I've been vilified throughout 3 years of these negotiations by certain people. I didn't want to go hear because there's some great people out there. But let me tell you something everyone in this community knows my patience level and I've had to improve it since I've been Mayor for a lot of reasons. I'm going to tell you something for me to negotiate for 3 years with anybody; my sons, my wife, my dogs, my cats, anybody, is a record folks. And this did not occur lightly where we are today. Mr. Bleaux came in and it wasn't fair Chris had to start from scratch with some things. He's done it respectfully I've been respectful to him and of him. But all these discussion about what the Mayor did and didn't do and he didn't listen and he changed things. That's all nonsense folks. That is absolute nonsense and that's the part of this whole process that I resent. I have done everything in my power to make this work. There is a difference of opinion on what is important to both sides. That's the way it is very simple. I don't disagree that the union doesn't like what we would like and actually I respect their position. But it comes down to a number of things the tax payers. Can we afford to do this? You guys are going through budget sessions that you're talking about all sorts of issues. Where are we going to come up with the money for a 1% or 1½% contract for one year? But the bottom line is this you can all find this distasteful and you don't want to vote on this that's fine. There are no other options folks. We have tried, both sides, to come up with an agreement for 3 plus years. And I'm not going to get in to who was negotiating originally with me and who was the original attorney. That's nonsense I could have a field day with that one. I printed out all the emails and all that folks and there very well known amongst this group here as well as other people some of the things that were discussed prior to February 28, 2011. I don't want to do that it doesn't accomplish anything. But what I'm telling you is I can look everybody in the eye and say I did my best to come up with some type of solution it wasn't accepted several times. The bottom line is we need to make decisions tonight that are uncomfortable, maybe unfair in some people's eyes but ultimately we have to do that as a body. Then whatever you decide we will go forward to try and figure out something else. I don't find the confusion in this other than people are not pleased if we do impose this for a year at zero. Anything else we can work on. And by the way the other thing that really insults me as well as I take exception to it and I'm looking at all the employees in this room. Do not say publicly that because I can't support a raise for you for reasons that you don't agree with that I don't appreciate what you do. Or that I don't thank any of you. Because that is absolutely wrong and if you're going to base the fact that a Mayor and Council don't give you a raise because then we don't appreciate what you do and don't like you then I guess you'll run in to that your whole career no matter where you work. If you're going to disagree with me because I don't feel we can afford to give you something I respect that. I respect that 100% and we can talk about it in the grocery store. But don't tell me because I can't give you what you want that I don't appreciate you or I don't thank you that is nonsense. And I'm insulted by those comments and by everybody that says that. So as far as I'm concerned I'm not any happier than anybody else. We wasted a whole bunch of time, and I hate to insult the attorney's

here or anybody else who is an attorney, a lot of money. And we're here tonight because we couldn't agree. And we're here tonight because we couldn't agree. So as far as I'm concerned I don't think I mistreated anybody because I can't in my mind give you what you really want. I'm sorry if that offends people but that's the way I feel. Tabling this I don't see why other than not wanting to do this, which I really understand, we don't move ahead. {**Mayor Kasprzak** said to someone in the audience raising his hand to speak: "during certain periods of the meeting you can comment. You can comment after. You'll have a closing segment and you can get up for 5 minutes. It's not allowed at this time"}.

**Councilor Carpenter** said I came here tonight really believing strongly that I wanted to table this for a week and try and force the fact finder's report to be awarded. But we can't force that to be awarded. I did ask Chris and he told me and basically he told all of us that they are not going to vote for that fact finders report they turned it down and there's no chance it'll happen. That kind of seals my vote for me. I hate doing this. I think it'll hurt further negotiations, I think it'll hurt the city, I think it'll hurt the union. But the fact finder came in here he's not connected to either the city or the union he came up with what he believed was a fair process and a fair agreement and both the city and the union are happy with what the fact finder said...

**Councilor Jackson** said that's the sign of a good negotiation.

**Councilor Carpenter** said exactly I wish that I could impose what he did but I understand this is only a financial matter and it's only a one year imposition and that's all the law allows us to do.

**Councilor Jackson** said my point was is you know you've got a good negotiation when neither sides happy with it.

**Councilor Rabideau** said I'd just like to point out that if you follow the order of the meeting. Item 6 was you opened it up for anybody who wanted to approach the Council. We heard from John Barry and anybody else who wanted to approach the Council at that time they were free to speak. There's also a part at the end of the meeting where everybody can speak. But otherwise we have to follow the rules of order and that's what they call them.

**Councilor Tiffer** said to me I think this vote's just closure. The negotiation for that year is done. This is our final statement we have to make it. It's unfortunate that we have to make these steps. And maybe this will be the last time that we have to do this. Other people will realize there serious. This is something that we have to negotiate we can't allow it to get to the cliff.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**B. RESOLVED:** In accordance with the request therefore the Common Council approves the

Regular Common Council meeting scheduled for Thursday, November 22, 2012 will be changed due to Thanksgiving Holiday to Tuesday, November 20, 2012 beginning at 5:30 pm. The work session will begin at 5 pm.

By Councilor Rabideau; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**C. RESOLVED:** In accordance with the request therefore the Common Council approves Xtreme Combat to hold amateur Mixed Martial Arts competitions at the Crete Civic Center on February 16, 2013 and May 11, 2013.

By Councilor Tiffer; Seconded by Councilor Calnon

Discussion:

**Councilor Jackson** said they're asking for 2 dates. I'm going to vote in favor of this but if we find that it's not something we want to do again we can rescind that May date, I'm assuming?

**Mayor Kasprzak** said it is my understanding they would like confirmation on both dates. Are you inferring if something goes wrong in February?

**Councilor Jackson** said exactly that's my point if something happens.

**Corporation Counsel John Clute** said I wouldn't assume that.

**Councilor Jackson** said that's my question can we rescind the May date?

**Corporation Counsel John Clute** said I don't know because I haven't seen the standard agreement they sent. But usually when people get involved in promoting these events they do a lot of events advertising and they have contracts and other costs that they incur in advance of the event. So I'd be surprised if they were willing to sign some kind of an agreement that says that if at the end of the February event we don't like the way it was run we don't have to do the May 11<sup>th</sup> one.

**Mayor Kasprzak** said I think it is going to be monitored closely.

**Councilor Rabideau** said I asked the question last week about the City Insurance in reference to this event and also if our attorney had any problems that he saw with the event. Before the meeting I discussed with Councilor Calnon and he informed me that there is a form for 1 million.

**Councilor Calnon** said 1 million per person/2 million per occurrence.

**Councilor Rabideau** said and this is submitted to our City Clerk and that is sent to our insurance.

And then our insurance carrier would give us feedback whether...

**Councilor Calnon** said if they deem that to be inadequate yes.

**Councilor Rabideau** said so the only other question would be do you see any problems with the event. We've had events very similar to this, boxing. I forget what it's called last man standing or something like that. Boxing events that they've had at the Crete Center just kind of pass it by you.

**Corporation Counsel John Clute** said all I can tell you is that Steve Peters got information that the same if not similar events have been held elsewhere in New York State. Apparently without anybody being prosecuted for having done them without a license. I did spend a little bit of time looking at this New York State Athletic Commission they have absolutely nothing on this subject. The statute that they apparently have been claiming gives them the right to sanction or license these things only uses the term boxing. As far as I can tell boxing is a small component if any component of all of these things so that organization is absolutely of no value or help in terms of trying to figure it out. I didn't want to spend a lot of time on this thing but from what I know I think it all comes down to the insurance coverage. And if our carrier feels that the insurance provided by the promoter adequately protects us and our interests then from a risk point of view I wouldn't have any problem with it.

**Councilor Rabideau** said I think we also had discussion about police presence at the Crete and reimbursement for the police that is correct?

**Mayor Kasprzak** said yes.

**Councilor Calnon** said I just wanted to be sure that there will have to be a contract signed if we approve this. And I'm assuming that all contracts have to be passed by you anyway.

**Corporation Counsel John Clute** said right certainly I can tell you one of the things I'm going to be looking for is I'm sure that the contestants in these things have to sign all kinds of waivers and risks disclosures and everything else. If it comes to that it'll depend on what you guys decide tonight and we'll make sure that the city is written in to that waiver of claims for whatever that's worth and I think it certainly is worth something.

**Councilor Carpenter** said in lieu of Chris's comment at the beginning of this discussion. Can we amend this so that we allow them to do this in February with an option in May or is that not doable?

**Mayor Kasprzak** said if I were the party and I'm going to invest in this event or events. And you're going to tie the marketing together with it I don't see why we need to amend anything. I really don't. And if we're adequately covered financially and nothing hopefully happens because it hasn't yet in New York State with this event then I would not complicate the issue. But that's me.

**Councilor Calnon** said I think that's one of the reasons why I think that Corporation Counsel really needs to take a look at the actual contract. So that in the event that lightning strikes that we have a means of cancelling it.

**Mayor Kasprzak** said and I think John will put language in to that effect.

**Councilor Carpenter** said or what if they draw nobody and they lose their shirt and want to get out.

**Corporation Counsel John Clute** said that's why we may not want it to be an option.

**Mayor Kasprzak** said let's hope they are successful.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**D. RESOLVED:** In accordance with the request therefore the Common Council approves the North Country Mustang Club Inc to have a car show at the waterfront parking lot on Sunday, July 28, 2013.

By Councilor Carpenter; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**E. RESOLVED:** In accordance with the request therefore the Common Council approves Bid No. 2012-9-1 "Electric Meters Revenue Type" be awarded to GoTToGo Electric Inc in the total amount of \$32,040.

By Councilor Jackson; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**F. RESOLVED:** In accordance with the request therefore the Common Council approves MLD to advertise for bids for PMLD Bid No. 2012-10-1 "Purchase two (2) 2500 KVA 4160kV Voltage Padmount Transformers." Bid opening date: Tuesday, November 20, 2012 at 11:00 am.

By Councilor Jackson; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted



Follow up Action: None

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**G. RESOLVED:** In accordance with the request therefore the Common Council approves the Community Development office to advertise for housing rehab rebids for project (Houghton – 146 Miller Street).

By Councilor Tiffer; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**H. RESOLVED:** In accordance with the request therefore the Common Council approves the City Chamberlain to create capital project H8130.58 2012 WPCP Chemical Storage to complete the item listed in the Water Pollution Control Plant section of the 2012 Capital Expenditure Plan.

By Councilor Rabideau; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**I. RESOLVED:** In accordance with the request therefore the Common Council approves the City Chamberlain to create capital project H8320.73 2012 WFP Plant Improvements to complete the item listed in the Water Filtration Plant section of the 2012 Capital Expenditure Plan.

By Councilor Rabideau; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**8. TRAVEL REQUEST: None**

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## **9. RESOLUTIONS FOR INITIAL CONSIDERATION:**

1. Request from the Community Development Office that the Mayor be authorized to sign a subordination agreement for property located at 13 Caitlin Way and owned by Margaret Felty.
2. Request from City Engineer that all bids opened on Tuesday, September 25, 2012 for Contract #2012-16 “Vacuum Street Sweeper” be rejected and that the request for bids be re-advertised.

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## **10. NEW BUSINESS:**

**Councilor Jackson** said we were contacted by a municipality down on Long Island. They've requested our assistance due to the storm damage from Hurricane Sandy. Bill asked for volunteers and there were 3 volunteers who will be taking one of our line trucks down to Long Island probably for a couple of weeks. The cost is totally bared by the municipality that is requesting our help. And I asked Bill if we needed them back for any particular reason in an emergency can we get them back and he said yes. So I think this is good inter-municipal cooperation and I think the people down there really need it.

**Mayor Kasprzak** said if they are needed they would be back here and there would be no overtime costs or anything else.

**Councilor Rabideau** said are we doing budget sessions tonight.

**Councilor Calnon** said we have one budget session tonight, yes.

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## **11. CLOSING PUBLIC COMMENTS:**

**Shawn Parrott** 15 Addoms Street said if the fact finder said we all pay when we retire and we had agreed to that there is also a stipulation in there that the new people pay what they pay now when they retire which is even a larger percentage which is like 15. And my point is if we would make an agreement sometimes like where we just know we could be grandfathered in the vote might of went different. In terms of people like me saying yeah I'll pay when I retire at that percentage rate you're saying now. But what happens is down the road in 8 years I end up paying the other percent. So grandfathering in on that same contract probably would have made it even different.

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)  
**MEETING ADJOURNED: 6:16pm**